Section 3, Remarks and Response to Rejection:

REMARKS

Reexamination and reconsideration of the claims in this CIP case is respectfully requested in view of this Response. This case is a CIP of the parent application, now US Patent 6,314,380.

Claims 1, 2, 4, 7, 11 – 14, 17, 18, 22 – 24, 28, 30 – 34, and 36 – 52 remain in this case. A full summary of the status of the claims is presented on page 3, above, and each claim is prefaced with its status as required by the current rules.

No new matter has been introduced by the amendments to claims 1, 2, 4, 7, 49, 17, 22, 23, 31. 32. 41, and 43. Support for the amendments is found in the Specification in the drawings, and in the text, for example at: page 5, lines 7 – 28; page 3, lines 16 – 21 and 27 – 31; page 4, lines 5 – 12; page 7, lines 7 – 13; page 8, lines 11 – 27 and 30 – 32, and page 9, lines 21 – 24, and throughout the Detailed Description.

In addition, claims 3, 6 and 21 have been cancelled as redundant of the amendments to claims 1 and 17, respectively.

The amendments more clearly point out that the inventive methods and apparatus are directed to systems and operations of a vehicle in the stopped condition. In contrast, the Corrado et al patent 5,482,314 is directed to occupancy sensing during operation of a vehicle in order to trigger an airbag deployment system when the vehicle is moving. It is directed to operation of the airbag in the event of an imminent crash, not to a heat prostration safety and avoidance system, which the inventive system. Corrado provides a solution to the problem of erroneous and damaging deployment of an airbag in the case of a crash where the passenger seat is empty, or there is a danger to the occupant, such as a Rear Facing Infant Seat, or an OOP (out of position) passenger.

While Corrado incidentally discloses abstracting temperature related data, that is for input to the crash/airbag deployment control algorithm. As noted in the patent, the temperature features abstracted from the US signal stream is one of the inputs to the occupancy sensor, in part to compensate for artifacts, such as flicker due to overhead branches, leaves, clouds and the like that interfere with the IR sensor, leading as it does to transients that confuse the sensor system.

There is no disclosure in Corrado of any heat prostration safety control system algorithm, or the use of any of its sensors to provide input to a heat prostration safety system controller and algorithm that conditions its response to the stopped vehicle condition as well as preselected temperature and temperature rise conditions.

Accordingly, while Corrado is of interest with respect to the broad principle of US data as

providing some temperature features for an airbag control system, it does not teach or suggest the instant invention as claimed.

Applicants have in the prior Responses shown clearly that Liu does not teach or suggest the claimed combination or method. Liu fails to teach or show any control system or method that senses the stopped condition of the vehicle and uses US to determine temperatures. Liu does not suggest the claimed control system or algorithm with the specified triggers.

Further, neither reference discloses or teaches any release of human passenger or animal occupants, nor a controller and algorithm for triggering specified release actions and devices (doors, windows, seat belt releases, to be triggered for release.

Further the Office Action with a broad brush fails to distinguish between the claims. The claims do not stand or fall together. For example, the references do not disclose the steps of the alert method of Claim 11 and its dependent claims 12 – 14, 50 and 51, yet the Office Action fails to discern that fact and lumps them in with all other claims. The references do not provide a reminder device of the presence or absence of a non-abled vehicle occupant, or means for arming it, and no sensing of the condition of the vehicle with respect to the driver or occupant, and monitoring ht temperature and triggering the reminder when the conditions are met.

Thus, Applicants must request individual consideration of each claim.

Accordingly, the obviousness rejections over Corrado and Liu should be withdrawn, not only because Liu does not teach or suggest the claimed method and apparatus systems, but also because Corrado does not cure the defects in Liu.

CONCLUSION

It is respectfully urged that the case is now in complete condition for allowance and prompt disposition is requested.

Respectfully submitted,
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End of Section 3, Remarks.

End of Response to Office Action of March 2, 2004